

LAWRENCE A. ORGAN (SBN 175503)
larry@civilrightsca.com
NAVRUZ AVLONI (SBN 279556)
navruz@civilrightsca.com
CIMONE A. NUNLEY (SBN 326915)
cimone@civilrightsca.com
CALIFORNIA CIVIL RIGHTS LAW GROUP
332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)
ALEXANDER KRAKOW + GLICK LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811

Attorneys for Plaintiffs,
DEMETRIC DI-AZ and OWEN DIAZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**PLAINTIFFS' FURTHER REVISED
DESIGNATION OF DEPOSITION
TESTIMONY OF DEMETRIC DI-AZ**

Pretrial Conference Date: 09-21-21
Time: 3:00 p.m.

Trial Date: September 24, 2021
Complaint filed: October 16, 2017

Plaintiff Owen Diaz provides the following updated designations of excerpts from the deposition of Demetric Di-Az to be played to the jury. These excerpts all appear in Defendant's Designations of Deposition Testimony filed for the April 20, 2020 Pretrial Conference. Plaintiff originally filed a shorter list of excerpts on September 23, 2021, (Dkt 243) however, Plaintiff

now seeks to append that request with a few additional excerpts. Plaintiff intends to use the following deposition transcript excerpts for Demetric Di-Az for presentation via video (10 minutes and 4 seconds) as part of his case in chief:

Di-Az, Demetric 5/15/18, Volume 1

#	Lines	Deposition Excerpt	Objection / Counterdesignation
1	10:4-22 (38 secs)	<p>4 Q. Could you please state your full name for the</p> <p>5 record.</p> <p>6 A. Demetric Jean Di-az.</p> <p>7 Q. Did you say Jean?</p> <p>8 A. Yes. That's my middle name.</p> <p>9 Q. Okay. And how do you spell your last name?</p> <p>10 A. D-I hyphen A-Z.</p> <p>11 Q. And is your father's name Owen Diaz?</p> <p>12 A. Yes.</p> <p>13 Q. And he spells his name with a D-I-A-Z without a</p> <p>14 hyphen; right?</p> <p>15 A. Yes.</p> <p>16 Q. And why do you spell your name with a hyphen?</p> <p>17 A. As a kid it was given to me like that through</p> <p>18 birth. I really don't know why it was like that.</p> <p>19 Q. You don't have an understanding of why your last</p> <p>20 name is spelled with a hyphen?</p> <p>21 A. I was told that was the original spelling. That</p> <p>22 was it.</p>	
2	31:20-22 (3 sec)	<p>20 Q. How would you describe your relationship with</p> <p>21 your father?</p> <p>22 A. My relationship with my father was good.</p>	
3	40:14-16 (8 sec)	<p>14 Q. So you received a high school diploma from</p> <p>15 Pittsburg's adult school in June of 2014?</p> <p>16 A. Yes.</p>	
4	109:2-3 (2 sec)	<p>2 Q. How many days a week did you work?</p> <p>3 A. Five.</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
5	107:9-19 (43 sec)	<p>12 Q. And who told you you would be reporting into</p> <p>13 Javier Caballero?</p> <p>14 A. He told me after because I started asking</p> <p>15 around, like, "Hey, who do I" -- and he was, like, "Oh,</p> <p>16 well, you have to report to me now. You don't report to</p> <p>17 the day shift anymore." And I was, like, "Okay."</p> <p>18 Q. So Javier Caballero told you that you would be</p> <p>19 reporting to him?</p> <p>20 A. Yes.</p>	
6	119:18-21 (08 Sec)	<p>18 Q. Why didn't you get along with Javier prior to</p> <p>19 this incident?</p> <p>20 A. Javier was harassing me and calling me a nigger</p> <p>21 every day; so, no, I didn't get along with him.</p>	
7	150:15-151:20 (2 min, 45 sec)	<p>15 Q. In paragraph 14 you state "In approximately</p> <p>16 August of 2015, Demetric's father, Owen, informed him</p> <p>17 West Valley had openings for positions at the Tesla</p> <p>18 factory."</p> <p>19 Did your father tell you that West Valley had</p> <p>20 openings?</p> <p>21 A. Yes.</p> <p>22 Q. Did your father encourage you to apply?</p> <p>23 A. Yes.</p> <p>24 Q. What did your father tell you about what it was</p> <p>25 like to work at Tesla?</p> <p>151</p> <p>1 A. He told me it was going to be a good experience</p> <p>2 and that it would be -- like, it would be good. I</p> <p>3 bought into it because I thought it was going to be the</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
		<p>4 ultimate experience. Like, oh, I get to work for Tesla.</p> <p>5 They're making modern productions to build electrical</p> <p>6 cars to make the world a better place. Like, why</p> <p>7 wouldn't I want to be a part of that?</p> <p>8 Q. Your father told you it was going to be a good</p> <p>9 experience to work at Tesla?</p> <p>10 A. Yeah. He told me it would be a good experience</p> <p>11 and it was going to be good for me.</p> <p>12 Q. And that was right before you applied in August</p> <p>13 of 2015?</p> <p>14 A. Yes.</p> <p>15 Q. Did your father tell you around the time you</p> <p>16 applied in August 2015 anything about what his work</p> <p>17 experience was like at Tesla?</p> <p>18 A. When I was applying there, he said that his work</p> <p>19 experience was going okay. From what I could tell, it</p> <p>20 was going good.</p>	
8	170:20- 171:9 Added Clip Identified by Defendant (56 sec)	<p>20 Q. Tell me the first time you heard Javier use the</p> <p>21 word?</p> <p>22 A. The first time I heard Javier use the word, it</p> <p>23 was probably about two to three days after I started</p> <p>24 working the night shift.</p> <p>25 Q. And what did he say?</p> <p>Page 171</p> <p>1 A. We were getting ready to go on our meal break.</p> <p>2 We were running a little behind. He was, like, "All you</p> <p>3 niggers need to hurry the fuck up."</p> <p>4 Q. Did you say anything back to him at the point?</p> <p>5 A. No. The first time it ever happened I was kind</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
		<p>6 of stuck, like, "What?" I really didn't know what to</p> <p>7 do.</p> <p>8 Q. Was anyone else there?</p> <p>9 A. My team.</p>	
9	<p>185:24-187:11</p> <p>Modified to full Clip identified by Defendant (2 min, 13 sec)</p>	<p>24 Q. So you mentioned that the first time that you</p> <p>25 heard Javier say the N-word was two or three days after</p> <p>186</p> <p>1 working the night shift. He said, "All you N-words need</p> <p>2 to hurry the F up"?</p> <p>3 A. Yes.</p> <p>4 Q. Right. What was the second time you heard it?</p> <p>5 A. The second time I heard it was pretty much the</p> <p>6 day after that. It was in the same regards, telling us</p> <p>7 to hurry up.</p> <p>8 Q. And that was Javier?</p> <p>9 A. Yes.</p> <p>10 Q. And who was present?</p> <p>11 A. Same people.</p> <p>12 Q. Was it directed to your whole team?</p> <p>13 A. Yeah, I assume.</p> <p>14 Q. Same people, meaning the six people on your</p> <p>15 team?</p> <p>16 A. Yes.</p> <p>17 Q. When was the next time you heard Javier use the</p> <p>18 N-word?</p> <p>19 A. The next time I heard it -- it just continued to</p> <p>20 spiral after that. He just kept going. It didn't stop.</p> <p>21 I told him I didn't like it. And then from there it was</p> <p>22 more I could be fired since I didn't like it.</p> <p>23 Q. So when was the next time you heard it?</p> <p>24 A. The day after the next day.</p> <p>25 Q. And what did he say then?</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
		<p>Page 187</p> <p>1 A. He used the same reference again, "All you</p> <p>2 niggers need to hurry the fuck up." After that he was,</p> <p>3 like -- like, just kept going. Just escalating there.</p> <p>4 Q. So you testified that you heard him use the</p> <p>5 phrase "All you niggers need to hurry the fuck up." And</p> <p>6 then you also testified that at one point he said, "All</p> <p>7 you fucking niggers -- I can't stand your mother- -- you</p> <p>8 motherfuckers"?</p> <p>9 A. Yeah.</p>	
10	193:14-24 Cut for relevance (42 sec)	<p>14 Q. If you were to estimate how many times Javier</p> <p>15 Caballero used the N-word at Tesla, how many?</p> <p>16 A. I would say more than 50.</p> <p>17 (Reporter clarification.)</p> <p>18 THE WITNESS: More than 50 but less than 60. So</p> <p>19 in between there. I didn't work with him -- I just got</p> <p>20 let go.</p> <p>21 Q. Are you alleging that every single day you</p> <p>22 worked at Tesla Javier used the N-word?</p> <p>23 A. Pretty much every day after the third day that I</p> <p>24 got there he used the N-word.</p>	
11	177:16-21 Added clip Identified by Defendant -- cut for relevance (14 sec)	<p>16 Q. And what did you say to Javier?</p> <p>17 A. Just told him how he was treating me was unfair</p> <p>18 and unjust. I didn't like it. And he told me, if I</p> <p>19 didn't like it, my time would be ending shortly. I end</p> <p>20 up getting wrote up. Within a few weeks later, I lost</p> <p>21 my job. They told me that my contract was ended.</p>	

#	Lines	Deposition Excerpt	Objection / Counterdesignation
12	159:24- 160:14 (54 sec)	<p>24 Q. And who stated this phrase?</p> <p>25 A. Javier. I think his last name is Caballero.</p> <p>160</p> <p>1 You said his name.</p> <p>2 Q. Javier Caballero said this, quote, "All you</p> <p>3 fucking niggers -- I can't stand you motherfuckers"?</p> <p>4 A. Yes.</p> <p>5 Q. And in paragraph 19 you say that it was your</p> <p>6 shift lead?</p> <p>7 A. It's my shift supervisor.</p> <p>8 Q. So it wasn't your shift lead?</p> <p>9 A. No. That's probably a mistake.</p> <p>10 Q. Where was this statement said?</p> <p>11 A. Right on the production floor.</p> <p>12 Q. Where on the production floor?</p> <p>13 A. Within zone 1 and getting ready to walk out of</p> <p>14 our section.</p>	
13	165:24- 166:3 Cut for relevance (13 Sec)	<p>24 Q. Do you know whether your father heard it?</p> <p>25 A. My father told me that he did hear it, and</p> <p>166</p> <p>1 that's the first time I seen my father, like, really</p> <p>2 feel like he couldn't do anything for me. Like, he</p> <p>3 didn't know what to do.</p>	
	Total time 9 min, 44 sec.		

DATED: September 25, 2021

CALIFORNIA CIVIL RIGHTS LAW GROUP
ALEXANDER KRAKOW + GLICK LLP

By: /s/ Lawrence A Organ
Lawrence A. Organ, Esq.
Cimone A. Nunley, Esq.
J. Bernard Alexander, Esq.
Attorneys for Plaintiff OWEN DIAZ